

ROANOKE CITY COUNCIL

August 1, 2005

9:00 a.m.

The Council of the City of Roanoke met in regular session on Monday, August 1, 2005, at 9:00 a.m., in the Emergency Operations Center Conference Room, Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with Mayor C. Nelson Harris presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended, and pursuant to Resolution No. 37109-070505 adopted by the Council on Tuesday, July 5, 2005.

PRESENT: Council Members M. Rupert Cutler, Alfred T. Dowe, Jr., (arrived late), Beverly T. Fitzpatrick, Jr., Sherman P. Lea, Brenda L. McDaniel, Brian J. Wishneff and Mayor C. Nelson Harris-----7.

ABSENT: None-----0.

The Mayor declared the existence of a quorum.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

COMMITTEES-CITY COUNCIL: A communication from Mayor C. Nelson Harris requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Council Member Cutler moved that Council concur in the request of the Mayor to convene in Closed Meeting as above described. The motion was seconded by Vice-Mayor Fitzpatrick and adopted by the following vote:

AYES: Council Members Cutler, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Dowe was not present when the vote was recorded.)

CITY COUNCIL: A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711(A)(3), Code of Virginia (1950), as amended, was before the body.

Vice-Mayor Fitzpatrick moved that Council concur in the request of the City Manager to convene in Closed Meeting as above described. The motion was seconded by Council Member Cutler and adopted by the following vote:

AYES: Council Members Cutler, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Dowe was not present when the vote was recorded.)

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NAYS: None-----0.

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Council Member Cutler moved that Council concur in the request of the City Manager to convene in Closed Meeting as above described. The motion was seconded by Council Member McDaniel and adopted by the following vote:

AYES: Council Members Cutler, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Dowe was not present when the vote was recorded.)

ITEMS LISTED ON THE 2:00 P. M., COUNCIL DOCKET REQUIRING DISCUSSION/CLARIFICATION, AND ADDITIONS/DELETIONS TO THE 2:00 P. M., AGENDA:

Council Member Cutler referred to item 6.a.2. on the printed agenda with regard to acceptance of the Urban and Community Forestry Grant. He pointed out that this is the last year the City of Roanoke will receive the grant; whereupon, he inquired if there were plans to continue an urban forestry program in the absence of State funds in fiscal year 2007. The City Manager responded that the need for the position will be prioritized along with other requests for funding during the upcoming budget process.

Council Member Cutler also referred to item 6.a.7. with regard to the 2005-2006 CDBG Subgrant Agreement with C2C Home and inquired as to how the \$100,000.00 grant would be used; whereupon, the City Manager stated that the allotment will be directed exclusively toward acquisition of property and construction of homes; a number of properties have been identified for purchase and construction of new homes; and the first \$100,000.00 would be spent primarily on administrative activities to accomplish design competition.

TOPICS FOR DISCUSSION BY THE MAYOR AND MEMBERS OF COUNCIL:

Mayor Harris advised that at the last meeting of Council on Monday, July 18, 2005, Council adopted Resolution No. 37129-071805 which authorized execution of the Workforce Investment Act Agreement with the Virginia Employment Commission for Program Year 2006; however, at the 2:00 p.m. Council Session, it will be necessary for the Council to adopt a revised resolution changing the reference to Program Year 2005 in order to appropriate funds on a fiscal year basis.

Council Member Dowe entered the meeting.

Mayor Harris announced that Council is scheduled to hold a joint meeting with the Roanoke City School Board on Monday, August 15, 2005, at 12:00 p.m., in the Cafetorium of the Roanoke Academy for Mathematics and Science, 1616 19th Street, N. W., and any agenda items should be submitted to the City Clerk.

Council Member Cutler asked that an item be included on the agenda with regard to school capital construction plans for the next two years.

Council Member Wishneff requested a report on the status of school safety.

The City Manager advised that a van would be available to transport the Members of Council and staff to the meeting location.

R. Brian Townsend, Acting Director of Economic Development, introduced L. Elizabeth McCoury, Administrator for the Department of Economic Development, who assumed her position on August 1, 2005. He advised that Ms. McCoury previously served as Downtown Development Director for the City of Suffolk for the past seven years, and she previously held Economic Development positions in the City of Portsmouth.

BRIEFINGS:

CITY MARKET: The City Manager advised that a consultant was selected to study the City Market area, including the City Market Building, in connection with further development/redevelopment of the downtown area.

Mr. Townsend introduced Tom Low, a consultant with the firm of Duany Plater-Zyberk and Company (DPZ), Architects and Town Planners, a national firm of urban design and urban planning. He stated that Mr. Low is a native of Roanoke who works out of the Charlotte office, and will work with the local firm of SFCS, Inc.

Mr. Low presented the following introductory briefing:

- The team consists of SFCS of Roanoke and DPZ, which has offices in Atlanta, Charlotte and Washington, D. C., as well as an international division.
- DPZ is especially known for the revival of traditional towns and traditional neighborhoods as a model for creating community.
- The market area has always been the heart and soul of Roanoke. He referred to a photograph showing the original market square, Campbell Avenue, Jefferson Street and the old train station.
- As the City grew with housing and mixed uses, things began to change, but the idea that the Market area was the center of the City and the region has remained evident, and the idea of a town square resonates with everyone.
- John Nolan, an early 20th century planner, prepared two comprehensive plans for Roanoke in 1907 and 1928, and a review of the diagrams, charts, comprehensive plans and master plan drawings depict some interesting things that bring Roanoke forward as a functional and beautiful City; i.e.: a chart of schools and parks that are focused around ten minute walking bubbles, and although it was an era that the motor vehicle was being accommodated, the car was not the number one driving force on how people lived.

- Today, people have embraced suburban living, but are discovering that it is not perfect, and a lot of people have refocused on more traditional neighborhoods.
- Some interesting statistics that may have a strong impact on Roanoke are that the baby boomers are starting to retire; statistics in 2008 indicate that somewhere between 57-68 million baby boomers will start retiring across the country; a national *USA Today* survey asked where they wanted to retire, and the response was that they did not want to retire in isolated, restricted retirement communities, but in walkable, compact, convenient neighborhoods in town; and the other large group of people between 25-55 years of age, sometimes referred to as the creative class, which represent the future want to avoid those areas that are considered “uncool” and boring such as the suburbs, and instead focus on lively, active places where things are happening; and downtown Roanoke and the surrounding neighborhoods bring that type of character.
- The merger of those two large groups over the next five to ten years will cause a lot of energy to be focused on the center part of the City of Roanoke.
- Roanoke’s neighborhoods are compact and walkable, with schools, neighborhood shopping, businesses, civic uses, churches, and other imbedded institutions; streets are connected and easy to move around, and there is a range of choices and housing lifestyles from urban to more private.
- Many of Roanoke’s neighborhoods have been rediscovered, people are building on neighborhood traditions; the most important and exciting opportunity is to look at downtown Roanoke as a neighborhood, one where people can live, work, shop and play; and as the City moves forward, it must keep all those things in mind because the sum of those activities is greater than any one component.
- An aerial view photograph from the 1928 report prepared by John Nolan shows the concentration of buildings and all useable space was filled in with buildings, businesses and residences.

- In the 1950's, the area was still thriving, but in the 1970's, things started to decline when people started to embrace the automobile, buildings started to come down, open parking lots became the norm, the concept of a "city square" started to erode; people began to frequent shopping malls and missed out on what many generations of Roanokers believed to be a wonderful downtown experience.
- Design '79 workshops and master plan work was an effort to bring back that type of experience; the images Timm Jamieson developed at that time were amazing, and he utilized the services of Charles Moore, a brilliant and creative architect and planner, who knew instinctively that there was a need to resuscitate the area in a way that actually filled in the private spaces and reactivated the public spaces, and parking lots became urban housing which accommodated the car but did not allow it to dominate the way people lived.
- Over 50 small components that were a part of the Design '79 plan were implemented.
- Shopper trends change about every five to ten years, and many of the things that were popular in the 1970's and 1980's now need to be updated.
- Ideas like reviving Elmwood Park with outdoor concerts and Festival in the Park, old empty lots turned into beautiful pocket parks, old buildings that have been restored for urban shopping, Center in the Square, parking garages, farming vendors, competing with suburban malls with a food court, good restaurants, bringing in nationally known tenants to mix with the locals, and celebrations associated with downtown, will be focused on as a part of the study.

Council Member Dowe inquired about the integration of nationally known tenants with local tenants and whether, from a historical perspective, that type of mixing had formed some type of bond in other localities. Mr. Low advised that his firm brings expertise in terms of understanding how other places have been successful; and the Roanoke area is unique because it has three key urban elements from a physical point of view --a Market Building, a Market Square, and a Market Street, with indoor rooms, outdoor rooms and other connections.

Council Member Cutler stated that larger franchises tend to swallow up the "mom and pop" operations; whereupon, Mr. Low stated that Roanoke has a legacy of home grown shops which reinforce the local concept. He further stated that the consultant would study three main issues: the City Market Building, infrastructure for the entire Market area, and the Century Station Parking Deck, which was originally planned to accommodate additional development on top and

the ground floor is programmed as a shell for shopping, retail or commercial, or a similar type of use. He advised that the study would be performed within the framework of reinforcing the idea of the Market being the center of downtown, but also a lively neighborhood, creating places for parks, reinforcing people places such as dining and meeting facilities, and the cultural arts, etc. He explained that his firm is well known for using a process known as "charrette"; the Design '79 workshop was a charrette which is an on-site hands-on interactive design workshop; and the first charrette is scheduled to be held on October 3-7, at a central location. He presented a copy of the draft charrette schedule and noted that activities will be held where designers and creative people will draw concepts based on input from attendees, a series of focus group meetings will be held with key players, including one-on-one meetings as needed; three public pin-up sessions will be held on a Monday, a Wednesday and a Friday, after which it is hoped to gain a good understanding of where the process is headed, and after all ideas have been gathered through the course of the week, the information will be compiled and the consultant would return to Roanoke a few weeks later for another workshop prior to finalizing the report. He stated that key people to be interviewed include Market Building tenants, downtown retailers, Farmers Market vendors, downtown property owners, both commercial and residential, as well as public works/public safety representatives, including police, fire and transportation; and it is hoped that the opening session will include the Members of City Council, Architectural Review Board, City Planning Commission, Industrial Development Authority, etc. He presented Council with an outline of the study process which will be adjusted over the next several weeks as necessary.

The City Manager advised that the schedule would need some adjustment to accommodate evening sessions and a Saturday session that would afford the opportunity to participate by those persons who might not otherwise be able to fit the activity into their work schedule. She requested input by Council on the best time of day to hold the first meeting on October 3, and stressed the importance of soliciting input early in the process from elected officials and certain of the City's representatives to boards and commissions.

Council Member Cutler stated that any renovation(s) to the City Market area should be both wheelchair and stroller friendly.

Council Member Dowe stated that he would be particularly interested in knowing how the study could: (1) gage a balance between making the Market Square pedestrian friendly, while allowing automobiles and emergency service vehicles; and (2) gage the needs of future generations of Market customers such as internet cafés as opposed to areas in which to purchase fresh produce. Using the City of Charlottesville as an example, he advised that cobblestones were discovered underneath the pavement.

Mr. Low stated that old rail lines currently exist under the pavement on the City Market. He added that cobblestones, etc., are a valuable commodity and priorities will be defined regarding these types of issues.

Council Member Wishneff stated that pavement was removed in downtown Orlando, Florida, to expose solid brick, and agreed that the City of Roanoke should determine what materials, if any, exist under current paved areas on the City Market. He suggested that the City hold more outside activities on the Market Square similar to the Host City Night that the City of Roanoke has sponsored on several occasions when the Virginia Municipal League holds its Annual Conference; and something should be done to improve City Market stalls and to offer incentives that attract more farmers to the City Market area. He referred to previous discussions regarding the feasibility of establishing a cultural district with appropriate signage and inquired as to how the cultural district could be incorporated into the Market study. He asked that the consultant provide recommendation(s) on various options for the City Market Building that may or may not fund themselves, and suggested that the issue of one way traffic on Campbell Avenue be reviewed to determine if the traffic pattern has been of benefit to the Market area.

Vice-Mayor Fitzpatrick encouraged the Members of Council to engage in one-on-one discussions with the consultant regarding the dynamics of Design '79 and to provide insight with regard to numerous issues that have taken place as a result of Design '79.

Council Member Cutler expressed the following interests: (1) the possibility of extending the study area north of the railroad tracks to encompass the O. Winston Link Museum, The Hotel Roanoke, the Roanoke Higher Education Center, and the Dumas Hotel and (2) the source of the Market's fresh produce. He called attention to a personal interest in agriculture and the preservation of farm land, and in much the same way that the City and now the Western Virginia Water Authority are working with farmers and other land owners along the watersheds of water supply creeks to encourage them to donate conservation easements to protect the water quality along the streams, the same kind of approach could be used with farmers within short distances of the Roanoke area to offer incentives to stay in farming; i.e.: working with the land trusts of state and federal agencies to provide economic incentives and conservation easements to perpetuate farm land and orchards. He stated that this might be an opportunity for some type of regional cooperation with adjoining more rural counties and should remain on the City's radar screen. He stated that at a recent public hearing on the City's new Zoning Ordinance, a number of persons expressed an interest in offering vacant lots and private spaces in the City for the purpose of growing vegetables and suggested that the City support the concept.

Council Member McDaniel inquired if the consultant could offer an opportunity for input from those persons who have an interest in the City Market, but do not routinely visit the area; whereupon, Mr. Low stated that the consulting team would conduct a walking tour of the Market area at the beginning of the charrette that could include those persons.

The Mayor expressed appreciation to Mr. Low for meeting with the Council. He advised that Council Members would welcome the opportunity to either individually, or in pairs, meet with the consultants to discuss development of a plan of action, or a vision, that could be taken to the private sector in an effort to generate public/private cooperation that could lead to re-energizing the Jefferson Street and City Market areas.

The City Manager advised that she was recently approached by several key property owners in downtown Roanoke who expressed an interest in discussing a greater vision for the area, and she recently met with two representatives of national development firms that recognize the characteristics that were previously discussed – the younger creative generation and the older population who are looking for livable, walkable places to reside. She stated that the study was occurring at the right time, and she looked forward to working with the consulting team.

Virginia First Cities Update:

The City Manager called on Neal Barber, Executive Director, Virginia First Cities, for an update on important issues that will be a part of the gubernatorial campaign and the 2006 Session of the Virginia General Assembly. She stated that the information could be used as part of the foundation for development of the City's legislative program

Mr. Barber stated that he would discuss two primary issues: (1) the recent Supreme Court decision of *Kelo v. City of New London* and the impact the decision will have on the General Assembly; and (2) real property tax relief, the impact on local government and alternatives that may exist.

- Eminent Domain – Economic Development as a public use:

He stated that on June 23, 2005, the Supreme Court ruled in favor of *Kelo v. New London, Connecticut*, No. 04-108, and determined that economic development was a valid public purpose with regard to interpreting “public use” in eminent domain cases. He noted that the U. S. Constitution and State Constitution use the term “public use”, and the Supreme Court gave deference to the State of Connecticut in its legislative determination and definition of “public purpose” and relied on the precedent that “embraced the broader and more natural interpretation of public use as ‘public purpose’”; and the Majority Opinion of the Supreme Court relied heavily upon two previous court decisions: *Hawaii Housing Authority v. Midkiff*, 467 U. S. 229 (1984), and *Berman v. Parker*, 348 U. S. 26 (1954), in determining that economic development is a legitimate public purpose and thus could come under the purview of public use as it relates to condemnation. He stated that the Supreme Court also determined that the local government should not and could not take private property from one private

entity for the sole use of another private entity, which is consistent with the Virginia Constitution in judicial finding; and, in addition, property that exists in a blighted area, even though the property itself is not blighted, can be a subject of condemnation as a part of relieving blight in an entire neighborhood. He called attention to the Dissenting Opinion of Justices O'Connor, Scalia and Thomas that the ruling of the majority extended the right of condemnation beyond what was considered in the two opinions and identified three primary public purposes for condemnation: (1) typical public use, (2) utilities such as power and rail, etc., and (3) takings where the extraordinary, precondemnation use of the targeted property inflicted affirmative harm on society. It was also noted that the private benefit should be incidental or secondary to the primary public purpose, states may adopt stricter standards than those of the Federal government, and there should be additional review or scrutiny for economic development purposes.

Mr. Barber stated that Virginia Constitutional provisions are similar to Federal Constitutional provisions; Article I, Section 11, has added provisions to provide that public use shall be defined by the General Assembly, by enacting Section 15.2-1900, Code of Virginia, which basically states that any legitimate public purpose shall be considered to be public use as related to constitutional provisions; Virginia court provisions, or Virginia case law, states that the determination of public purpose is related to public use subject to judicial review; and Virginia case law has supported that economic development is a valid public purpose. He noted that *Charlottesville v. DeHaan*, 228 Va. 578, 323 S.E.2d 131, (1984), was not related to a condemnation case, but provided that economic development was a valid public purpose; and primary takings have served reciprocal public purposes.

Mr. Barber stated that The Virginia Association of Housing and Redevelopment Officials surveyed all 30 housing authorities across the Commonwealth of Virginia for the years of 2002, 2003 and 2004; all of the housing authorities acquired 400 properties, of which 19 were acquired through condemnation; of the 19 properties, only five properties were contested condemnations. He stated that his point was intended to show that condemnation is rarely used by local governments; and a rigorous process must be used to exercise the power of condemnation.

Mr. Barber noted that there will be significant legislation making modifications to condemnation statutes since there is considerable interest among legislators to redefine or to narrow the definition; there will be a bipartisan effort to introduce new bills; the Virginia Housing Commission has stated that it would prefer to be proactive and draft a consensus piece of legislation; and Virginia First Cities is working with the Virginia Association of Counties, the Virginia Municipal League, and the Virginia Association of Housing and Community Development to prepare legislation that would codify current statutes and case law into a legislative enactment that would represent the current status of Virginia's condemnation laws.

Mr. Barber stated that Virginia First Cities does not support taking property from one individual and giving it to another individual without some underlying public purpose; however, First Cities does support promoting the health, safety and welfare of Virginia cities and the viable economic health of communities. In particular, he advised that the Virginia First Cities would like to preserve the ability to remove blight and reclaim vacant properties.

- Tax Reform:

Mr. Barber presented copy of a draft preliminary Policy Statement from Virginia First Cities on tax reform, which may be available for consideration at the next meeting of the Executive Committee. He referred to the two Virginia gubernatorial candidates and stated that Candidate Timothy M. Kaine has suggested that there be a 20 per cent "homestead exemption" for home owners which would be a local option up to a 20 per cent limit, and would not require a Constitutional amendment and, if enacted, would take effect in 2009; and Candidate Jerry W. Kilgore has suggested lowering property taxes, with a five per cent cap on tax assessment increases annually until the property is sold or renovated which would not require a Constitutional amendment.

As background, he noted that nationally, real property assessments have increased by approximately 15 per cent which varies across the Commonwealth of Virginia, real property revenue growth has increased by about six per cent; however, in localities represented by Virginia First Cities, growth has been about four per cent per year on average, or about two per cent less than the statewide average annual growth. He noted that over the last few years, coming out of the recession, there has been a robust real estate market, but a leveling down is anticipated over a period of years. He further noted that under the Kaine proposal, using a worst case scenario, local governments statewide would take about a 20 per cent residential real estate hit which would result in about \$1 billion of lost revenue; for Virginia First Cities localities, it would represent about a \$134 million loss, and for the City of Roanoke, it would represent about a \$10.5 million loss. Under the Kilgore proposal, he stated that statewide, it would represent an \$80 million loss; for Virginia First Cities localities, it would represent a \$8.6 million loss; and for the City of Roanoke, it would represent a \$640,000.00 loss, assuming a one per cent hold on revenue. He stated that the result would be the loss of the tax base for generating revenue, and options include an increase in the tax rate, a shift to other types of taxes or user fees and charges, or a shift to greater reliance on the State for local revenue.

Mr. Barber called attention to inequities in both proposals, i.e.: the Kaine proposal would reduce the real estate assessment on homeowners, which would shift the burden to commercial and rental properties, and owners with higher value properties would receive the greatest benefit; and the Kilgore proposal would benefit the home owner who has lived on the property longer than the home owner who recently purchased the property. He advised that an alternative to the Kaine proposal would be to cap the amount of exemption for an individual home; and an alternative to the Kilgore proposal would be to allow all classes of real property to receive the tax exemptions, rather than residential property only.

He stated that the preferred alternative is called the “circuit breaker approach”, which provides an opportunity to give real property tax relief through a refundable income tax credit, which can be targeted to those persons who are the most in need, and limit the impact on the State budget which can be done without going through the Constitutional amendment process. He advised that State tax reform that would provide other revenue opportunities that could reduce local government’s reliance on the real estate tax would be preferred by Virginia First Cities.

Mr. Barber called for questions/comments by Council Members:

Council Member Cutler inquired as to whether Mr. Barber would be the legislative agent to make a presentation to the General Assembly; whereupon, he advised that he would represent localities at the Virginia General Assembly, along with a lobbyist who is a governmental relations consultant.

The City Manager stated that the first position of Virginia First Cities is that the State should not interfere with local taxation, which is also the position that the Council has consistently taken, and if the State wishes to dictate policy, it should not be a local policy for local taxation.

Mr. Barber stated that the distinction between tax sources dates back to 1926 when an agreement was made that income tax would be reserved for State support and real estate property taxes would be reserved for localities, therefore, the proposal violates a long-standing agreement.

The Director of Finance stated that he serves on the Virginia Municipal League Finance Policy Committee, and advised that the Virginia First Cities recommendation would also be the VML and VACO policy on the issue and would be lobbied by representatives of both organizations.

Vice-Mayor Fitzpatrick expressed appreciation to Mr. Barber for his insight on the issue and suggested alternatives. He stated that the City of Roanoke continues to receive benefits from its involvement with Virginia First Cities.

The City Manager advised that in the last gubernatorial race, representatives of Virginia First Cities asked candidates to state their position on development of an urban policy for the Commonwealth of Virginia, because urban areas like Roanoke are significantly disadvantaged in many ways by funding formulas, as well as the challenges that face disadvantaged communities; and the current Governor expressed a willingness to develop an urban policy and subsequently, approximately two years into his administration, created an Urban Policy Task Force to encourage the Governor to administratively enact those measures that were included in a series of recommendations by the Task Force. She further stated that the way in which candidates react to pertinent issues should be important to all voters; and Virginia First Cities should not actually endorse a candidate, but the Coalition could and should make it known which candidates are willing to position themselves to help.

Vice-Mayor Fitzpatrick called attention to a third gubernatorial candidate, Russell Potts, who has suggested an urban policy and expressed opposition to current tax proposals. He stated that Mr. Potts has made other policy statements that are consistent with some of the City's interests.

Council Member Wishneff stated that the Virginia General Assembly would address the Federal land issue policy; the Commonwealth of Virginia is unique with independent cities; pursuant to a vote of Council, the City of Charlotte, North Carolina, annexed property next door, the City of Norfolk's boundaries have been established since 1964 and the City of Roanoke's boundaries have been in place for 30 years, and there does not appear to be a rush to change anything, but someone needs to speak up. He added that if the General Assembly would like to give back to the City of Roanoke its powers of annexation, the City would be most happy to comply. He noted that some Virginia cities contain over 300 square miles, the City of Roanoke has only 42 square miles, therefore, State legislators should be mindful of Virginia's major cities.

Mr. Barber noted that the future is in the redevelopment of cities.

Upon question, Mr. Barber explained that the Kaine proposal would be a local option, and the Kilgore proposal would not be a local option, with a cap statewide.

The City Manager stated that the matter was larger than the gubernatorial issue because for the last several years members of the General Assembly have tried unsuccessfully to be involved in local real estate taxation; and there was a discussion at the last meeting of the Executive Committee of Virginia First Cities regarding long term implications, and the need for cities to educate the citizenry in order to appreciate and understand the implications. She stated that it is unfortunate that the issues are not state wide issues that gubernatorial candidates could campaign on, but they demand responsibility and accountability for members of the General Assembly.

Youth Commission Update:

Marion Vaughn-Howard, Superintendent, Youth Services, introduced Kellie Reynolds, a second year Youth Services worker, who read a prepared statement regarding why she thinks the City of Roanoke is one of the best places to raise children. Members of the Youth Group participated in a power point presentation regarding the Youth Services Division, Past, Present and Future, and invited the Members of Council to join them on August 30, 2005, at 5:30 p.m. to celebrate the grand opening of the Preston Center.

Council Member Dowe expressed appreciation to Ms. Vaughn-Howard and members of the Youth Commission for their work, and advised that he looked forward to receiving the Youth Comprehensive Plan.

Council Member Lea commended the Youth Commission on its contributions to the Summer Food Service Program and the Youth Academy.

Council Member Cutler expressed appreciation to the Youth Group and requested that Ms. Vaughn-Howard describe the goal of the Youth Comprehensive Plan; whereupon, she advised that it is hoped that the Youth Comprehensive Plan will become a part of the City's overall Comprehensive Plan; and the Youth Comprehensive Plan will provide a snapshot of what the community could do to continue to embrace the needs of youth, and to implement and fund one part of the recommendation(s) each year, with measurable outcomes.

Parking Update:

Deborah J. Moses, Parking Coordinator, presented the following parking overview:

Parking Garage & Surface Parking Facilities, August 1, 2005

Economic Development

Parking is the glue that holds a downtown together (offices, retail, entertainment, housing and higher education)

City Parking Map

3,837 off-street parking spaces in six decks and six surface lots

670 free downtown on-street parking spaces

80 free downtown loading zones

Garage and Surface Lot Occupancy Report

No.	Location	Actual Spaces	Daily Spaces	Monthly Total Spaces	Monthly Parkers	Percentage Occupancy
002	Church Avenue Parking Garage					
	Total	857	61	973	973	120.70%
003	Century Station Parking Garage					
	Total	468	27	452	419	95.30%
004	Gainsboro Parking Garage					
	Total	358	20	372	240	72.60%
005	Market Square Parking Garage					
	Total	203	25	195	170	96.10%
006	Tower Parking Garage					
	Total	691	106	670	576	98.70%

007	Williamson Road Parking Garage					
	Total	676	0	750	729	107.80%
008	Gainsboro Surface Lot					
	Total	101	30	78	40	69.30%
009	Salem Avenue Surface Lot					
	Total	35	0	35	35	100.00%
010	Viaduct Surface Lot					
	Total	103	50	58	29	76.70%
11	Williamson Road Surface Lot					
	Total	123	0	135	132	107.30%
12	Nickel Surface Lot					
	Total	50	0	50	50	100.00%
13	Bullitt Avenue Surface Lot					
	Total	172	0	189	169	98.30%
	GRAND TOTALS	3,837	319	3,957	3,562	101.10%

Parking Rates

Garage Pricing:

Reserved Monthly Parking - \$85.00

Non-Reserved Monthly Parking - \$65.00 and \$35.00

Daily Parking - \$0.75 per one-half hour

Daily Maximum - \$5.00 and \$4.00

Surface Lot Pricing:

Monthly Parking - \$55.00

Daily Parking - \$0.50 - \$0.75 per one-half hour

Daily Maximum - \$5.00 and \$4.00

Discount Parking Programs:

Lunch Time Special - \$1.00

Discounted Merchant Validations - 10 per cent

Monthly Parking Discounts for many employers

FREE - Evening, Weekend and Residential Parking

City Discount Parking

Total Discounted Parkers	1658	\$339,056.40
Resident Parkers	123	\$64,620.00
City Guest Validations		\$20,621.25
GRAND TOTAL		\$424,297.65

Operational Discussion

Management Structure - National Parking manages and operates facilities

Customer Service - Strong customer service

Maintenance and Cleanliness - Preventative maintenance and repair

Equipment and Technology - Online accounts receivable, customer base

Accomplishments - Customer service improvements, training of personnel, improved signage and better location of signage

City of Roanoke Parking – Different from Local Competition

Locations:

City has 30 per cent of the off-street locations in downtown and provides 78 per cent of the off-street spaces

City provides 100 per cent of all on-street spaces

Rates – Comparable locations:

Daily rates are less than major competitors per one-half hour

Monthly rates are less than major competitors

Customer Base:

2,920 monthly parkers (82 per cent) – 111 Business Accounts
57 per cent of all Business Accounts receive discounted rates
18 per cent Individual monthly parkers
19 per cent of Individual monthly parkers receive free residential parking

FREE Evening, Weekend and Daily Parking

FREE Event and Shuttle Parking

Parking Fund Budget

Parking Fund is an Enterprise Fund

Revenues are generated from parking fees, rental space/ground space leases, special event rentals

Budget provides for all operating costs and debt service

Any retained earnings remain in the Fund

Parking Fund FY06 Budget	
Revenues	\$ 2,720,000.00
Expenses	
Operating	\$ 1,465,665.00
Principal and Interest Expense	\$ 947,958.00
Reserve for Future Debt Service	\$ 306,377.00
	\$ 2,720,000.00

Parking Fund – Current and Future Capital Needs:

Five Year Capital Improvement Plan - Existing Parking Facilities
\$800,000.00

Capital Projects in current facilities deferred in previous years due to lack of funds.

Funding must be identified within Parking Fund, i.e.: retained earnings, operational budgets, and reserve for future debt service.

Expansion of the Parking System

Two new Parking Decks to support Campbell Avenue and West Church Avenue Development - \$7.2 Million

FY04 \$2 Million bond sold – debt service budgeted in FY05

FY06 \$2.6 Million bond to be sold – debt service will be budgeted in FY07

FY08 \$2.6 Million bond to be sold – debt service will be budgeted in FY09

Weekends and Evening rates are anticipated to be the revenue source for new decks.

The City Manager advised that it was recognized several years ago that the current rate structure would not support debt service for the two new parking garages; therefore, the City had two choices: raise the daily or monthly rate for all decks, or establish a general rate increase. For future consideration, she referred to feasibility of imposing a flat rate for parking during evening hours and on weekends.

Council Member McDaniel noted that free parking during evening hours and on weekends has helped to support downtown businesses.

Council Member Cutler stated that it is hoped that the area near the Jefferson Center would become more active and generate the need for more parking in the future.

Council Member Wishneff advised that downtown merchants previously requested that a portion of the revenue derived from increasing the meals tax would be used to reduce parking rates, and inquired if parking rates are a disincentive for businesses when considering locating in Roanoke County or the suburbs versus in the downtown area. The City Manager responded that she knew of only one situation in the past two years where a small company in a neighboring locality stated that it was interested in receiving some kind of incentive or subsidy with regard to parking, and the City suggested a technology incentive which could be channeled and used by the company to write down the cost of parking, however, the company chose not to take advantage of the offer. Beyond that, she stated that the real issue tends to be the location of parking, and called attention to two studies with regard to downtown parking which determined that the City of Roanoke has sufficient public and private downtown parking, but that parking may not be physically located as close to businesses as would be desired. She asked that City staff be made aware of any instances in the past, or in the future, when parking is a disincentive.

Through economic development efforts, Council Member Wishneff spoke in support of the City more aggressively recruiting businesses to the downtown area that are currently located in the region, with an appropriate package of information. The City Manager suggested that regional businesses be contacted to determine if there is an interest in locating an additional business in downtown Roanoke.

Council Member Wishneff inquired if the City administration was looking at expansion of parking garages in the heart of the downtown district; whereupon, the City Manager stated that expansion would be suggested when there is a demand for more parking, and discounted parking fees are offered in order to increase usage of the Gainsboro Parking Garage. Council Member Wishneff stated that the City should be willing to consider expansion of parking facilities in order to attract major business to the downtown area.

Council Member Wishneff suggested that the City consider implementing valet parking in downtown Roanoke as an incentive; whereupon, the City Manager stated that some restaurants have offered evening valet parking in the past, downtown parking garages could be used for this purpose, and she has encouraged the owners of restaurants to market the feature as an incentive to draw more people downtown.

Council Member Dowe stated that the advantage of being able to walk to a restaurant, as opposed to driving, should be emphasized by the City as an incentive to businesses to locate in downtown Roanoke; whereupon, the City Manager advised that the walking feature is offered as an incentive when the City receives an inquiry from a potential business.

Council Member Dowe called attention to certain concerns expressed by the public with regard to the safety of parking garages; whereupon, the City Manager stated that recent citizen surveys asked specific questions with regard to parking and it appears that safety, in general, in the downtown area has improved; downtown Roanoke businesses pay for an ambassador service through any additional tax rate; and off duty police officers patrol the lower parking decks from 9:00 p.m. until 2:00 a.m. on weekends and uniformed employees are stationed at the front of the parking garages to welcome pedestrians and motorists.

Council Member Cutler inquired if the Art Museum had assumed any responsibility for parking; whereupon, the City Manager advised that unlike suburban areas, there is no requirement for any business or activity to provide its own parking in downtown Roanoke, and the parking arrangement is generally absorbed in the public and private sectors through service parking lots and parking garages. She stated that the City has begun to make accommodations for those persons parking vehicles on a regular basis on the surface parking lot so that those parkers will be properly transitioned as the site moves to construction of the new Art Museum.

Economic Development Incentive Policy:

In response to a recent request from a Council Member, the City Manager presented a draft Economic Development Incentive Policy. She advised that the policy formalizes and organizes many of the same considerations and processes that the City has used in the development of previous economic development grants over the past five or six years, as well as for recent projects such as FreightCar Roanoke and the Ivy Market. She noted that the proposed policy identifies eligible activities and areas of assistance for economic development grants to be considered by Council and establishes a review and evaluation process by staff, an approval process by Council, and an implementation procedure in conjunction with the Industrial Development Authority.

R. Brian Townsend, Acting Director, Economic Development, presented the following overview of the proposed policy:

The City of Roanoke establishes this Economic Development Partnership Policy to further the goals and policies of the City's Comprehensive Plan, Vision 2001- 2020, to create and retain jobs, and to encourage new investment in the City. This policy establishes a framework within which the City Council and City Administration may consider the equitable and appropriate evaluation of economic development proposals.

I. Eligible Activities/Areas of Assistance

The following activities and types of assistance may be eligible for consideration as part of any request for economic development grants made under this policy. Note: All grants would be made through the Industrial Development Authority of the City of Roanoke, Virginia (IDA).

- a. Reduction of the sale price of City-owned land for the purpose of development
- b. Grants for investment in machinery and equipment subject to local taxation
- c. Grants for investment in site infrastructure of an 'extraordinary' nature necessary to support proposed development as opposed to typical development practices observed in the City (For example, developing land with extreme drainage issues or including infrastructure to mitigate flooding downstream.)
- d. Grants for investment in public infrastructure built by the developer or business, such as streets, traffic signals, drainage improvements, etc., serving a public purpose over and above support of the proposed development itself, which are dedicated back to the City and meet state and local standards
- e. Grants for investment in extension of public utilities
- f. Grants for training for new jobs filled by City residents or re-training of City residents in existing jobs

2. Procedure and Process

- a. Applicants for assistance must submit to the Director of Economic Development, in writing, a description of the proposed project, including:

- a. Type of business
- b. Legal name of entity
- c. Description of project
- d. Entity's financial ability to do project
- e. Experience of entity in similar projects
- f. Partners in the project
- g. Amount of investment
 - i. Real Estate
 - ii. Machinery & Tools
 - iii. Personal Property
- h. Number of new jobs/jobs retained
 - i. Salary range
 - ii. Benefits
- i. Project time frame
- j. Specific grant request
- k. Justification/need for assistance
- l. Benefits to the City
- m. Other applicable grants received
- n. Such other information and documents as requested by the City

- b. Applicants should also provide a spreadsheet of estimated direct revenue produced by year.

3. Review and Consideration of Grant Requests

The Director of Economic Development, in consultation with the City Attorney, Director of Finance, and other appropriate City departments, shall review and evaluate each request using the general guidelines below, allowing flexibility to determine the needs for each specific request. Guidelines may be individually considered or combined, depending on the nature of the project:

- a. Business or developer should have been in existence at least three years with good financial standing at time of request.
- b. Investment in new construction or renovations to existing facilities, and/or equipment investment should be at least \$5 million, unless the business currently has operations in the City valued/assessed at that amount or more.
- c. Number of jobs created or jobs earmarked for retention/retraining should be at least 100 permanent/full-time positions.

- d. Proposed average salaries should be at or above the median wage level for the region. (Note: Currently \$12.66/hr)
- e. Estimation of tax revenue generated based on projected building/land assessment, equipment value, business personal property, business license tax, and sales tax, as applicable, should cover the value of the requested grant within a three to ten year time frame.
- f. The submitted grant request should clearly indicate the existing/requesting business or proposed new development is considering a location in another state or adjacent locality, and/or the physical conditions of a specifically proposed site within the City would not reasonably support the proposed development without grant assistance.
- g. The grant request would result in underutilized, blighted or obsolete land uses being eliminated and/or additional sites for future development being created as a result of the proposed grant request.
- h. The grant request would mitigate 'extraordinary' development costs.
- i. Any public improvements subject to the grant request and undertaken as part of the proposed development would benefit the public generally and the surrounding neighborhood.
- j. The proposed development would not result in any significant environmental pollution.
- k. Whether the business is participating in other incentive programs offered by the City, State or Federal levels of government to which the project is entitled. The City must determine if other sources of funds available to the existing/requesting business might preclude the City's further participation in the development. (City incentives are summarized in Appendix A of this policy.)
- l. Such other items or matters relevant to determining the City's participation.

The Director of Economic Development shall report the findings, evaluation, and analysis related to the grant request to the City Manager to formulate a recommendation on any grant request. This recommendation shall be made to the City Council, based on the general parameters of this policy.

4. Approval of Grants by City Council

- a. A written Performance Agreement in a form approved by the City Attorney and reviewed by the Director of Finance for fiscal/financial impact, specifying the terms, conditions, and obligations of the parties must be agreed to and signed by the existing/requesting business before approval by City Council and the IDA, and be fully executed prior to the disbursement of grant funds.
- b. The IDA, upon approval as outlined above, will administer the payment of grant funds to each grant recipient in a manner as outlined in the executed performance agreement.
- c. The grant recipient shall provide written reports and documentation to the City and IDA, showing its compliance with the Performance Agreement. Other documents or verifications may be requested by either the City or IDA.
- d. Grant payments should be reimbursements made once milestones, conditions, and obligations of the grant recipient, outlined in the Performance Agreement, are met and verified, not before, unless a Governor's Opportunity Fund (GOF) grant has been secured. In GOF cases, GOF incentives are usually provided at the initiation of the development, or as the state may otherwise require.

The City Manager advised that training funds have been targeted for residents of the City of Roanoke and not for residents of the region; while it is good for the region and the City for a business to locate within the community, the City of Roanoke is an "importer" of people into the community for jobs, therefore, growing the income of people who live in the City of Roanoke will sustain the community over the long term. She added that if the City of Roanoke were to retain a business and retraining was required, training incentive funds that would be recommended to the Council would be on behalf of the City's core residents.

Council Member Wishneff referred to item 3, Review and Consideration of Grant Requests, and inquired if they were “and/or” items; whereupon, Mr. Townsend stated that they would be considered as optional. He further inquired if the policy captured “either high per acre development cost or extraordinary cost”; whereupon, Mr. Townsend responded that the policy related to general total investment, and the City could include a certain amount per acre investment, such as that which was used for the sale of property at the Roanoke Centre for Industry and Technology.

Council Member Wishneff suggested that the City administration consider changing the time frame as set forth in item 3.e. from “three to seven years” to “three to ten years”, in order to provide more flexibility.

Council Member Lea stated that item 1.f. with regard to training sends a positive message to Roanoke City residents.

Council Member Cutler made the following comments/suggestions on certain components of the draft policy:

- 1.c. He questioned whether downstream flooding would ever be eliminated.
- 2.a.g. He suggested adding “iv. Infrastructure”.
- 2.a.m. He suggested that “coordination of grants” be added for leverage, in order to combine any other grants that businesses may be eligible for.
- 3.g. He suggested changing the word “request” to “requested”.
- 3.i. He suggested removal of “beyond industry standards” because industries should not be invited that would provide significant environmental pollution.
- 4.a. He inquired whether IDA approval was required; whereupon, the City Manager stated that the IDA must be a signatory because it is the entity that actually transmits the funds.

With regard to item 6.2., Council Member Cutler suggesting the addition of a parallel tax exemption for using Leadership and Energy Environment Design Standards (LEEDS); whereupon, the City Manager stated that the Dillon Rule affected what the State would allow the City to do, but the City could encourage a future General Assembly to make such a provision through the legislative process.

Council Member McDaniel inquired as to what the City could do to be on the cutting edge to increase opportunities to attract new businesses; whereupon, Mr. Townsend stated that a number of localities do not have a written Economic Development Incentive Policy, but follow the standard process and procedure established by the Commonwealth of Virginia.

The City Manager inquired if Council would like to officially adopt the proposed Economic Development Incentive Policy, or have an understanding that the document would be the City's policy by which Economic Development staff would guide deliberations. It was the consensus of Council to not limit the flexibility of Economic Development staff, it would not be necessary to formally adopt the Policy, and the Policy would be an administrative guideline.

The City Manager advised that in addition to creating training incentives for City residents, Economic Development staff will work closely with Human Services staff to identify those citizens who are either unemployed or under-employed and to work with businesses to develop skill sets which will enable citizens to become competitive in the employment process. She stated that the Department of Human Services has Federal training funds that can be used for this purpose and the City will target two small businesses that plan to expand in the future in an effort to provide employment opportunities.

At 1:00 p.m., the Council met in Closed Session in Room 159, Noel C. Taylor Municipal Building.

At 1:50 p.m., the Mayor declared the Council meeting in recess until 2:00 p.m., in the City Council Chamber, Room 450, Noel C. Taylor Municipal Building.

At 2:00 p.m., on Monday, August 1, 2005, the Council meeting reconvened in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor C. Nelson Harris presiding.

PRESENT: Council Members M. Rupert Cutler, Beverly T. Fitzpatrick, Jr., Sherman P. Lea, Brenda L. McDaniel, Brian J. Wishneff and Mayor C. Nelson Harris-----6.

ABSENT: Council Member Alfred T. Dowe, Jr -----1.

(Council Member Dowe left the meeting at 12:00 p.m.)

The Mayor declared the existence of a quorum.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The invocation was delivered by Vice-Mayor Beverly T. Fitzpatrick, Jr.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Harris.

PRESENTATIONS AND ACKNOWLEDGEMENTS:

POLICE DEPARTMENT-ACTS OF ACKNOWLEDGEMENT: The Mayor presented a proclamation declaring August 2, 2005, as National Night Out to Joseph Gaskins, Chief of Police

The City Manager advised that she attended the recent reaccreditation process for the Police Department, and Commissioners participating in the valuation were complimentary of the City of Roanoke which is the 11th best ranked City in the country, and one of the 10 smallest best cities in the United States. She stated that congratulations are in order for Roanoke's Police Department in recognition of their reaccreditation.

CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, the item would be removed from the Consent Agenda and considered separately.

CITY PROPERTY: A communication from the City Manager requesting that Council schedule a public hearing for Monday, August 15, 2005, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to conveyance of City-owned property located on Salem Avenue, S. W., described as Official Tax No. 1010107, to the Times World Corporation, was before the body.

Vice-Mayor Fitzpatrick moved that Council concur in the request of the City Manager. The motion was seconded by Council Member Cutler and adopted by the following vote:

AYES: Council Members Cutler, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

TAXES: A communication from the City Manager requesting that Council schedule a public hearing for Monday, August 15, 2005, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to the request of Star City Gospel Café, Inc., for tax exemption from local real estate taxation with regard to property located at 926 Indiana Avenue, N. E., was before the body.

Vice-Mayor Fitzpatrick moved that Council concur in the request of the City Manager. The motion was seconded by Council Member Cutler and adopted by the following vote:

AYES: Council Members Cutler, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

ZONING-ANNUAL REPORTS: A communication from the Board of Zoning Appeals transmitting the 2005 Annual Report, was before the body.

Vice-Mayor Fitzpatrick moved that the Annual Report be received and filed. The motion was seconded by Council Member Cutler and adopted by the following vote:

AYES: Council Members Cutler, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

PARKS AND RECREATION-COMMITTEES-HOUSING/AUTHORITY-PERSONNEL DEPARTMENT-ROANOKE ARTS COMMISSION-LIBRARIES-PENSIONS: The following reports of qualification were before Council:

Frank J. Eastburn as a member of the Roanoke Arts Commission, for a term ending June 30, 2008;

Ben J. Fink as a Commissioner of the Roanoke Redevelopment and Housing Authority, for a term ending August 31, 2009;

Sloan H. Hoopes as a member of the War Memorial Committee, for a term ending June 30, 2008;

Curtis E. Mills as a member of the Personnel and Employment Practices Commission, for a term ending June 30, 2008;

George F. Taylor as a member of the Board of Trustees, City of Roanoke Pension Plan, for a term ending June 30, 2009; and

Eddie Wallace, Jr., as a member of the Mill Mountain Advisory Committee, for a term ending June 30, 2008.

Vice-Mayor Fitzpatrick moved that the reports of qualification be received and filed. The motion was seconded by Council Member Cutler and adopted by the following vote:

AYES: Council Members Cutler, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

REGULAR AGENDA

PUBLIC HEARINGS: NONE.

PETITIONS AND COMMUNICATIONS: NONE.

REPORTS OF OFFICERS:

CITY MANAGER:

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

POLICE DEPARTMENT-BUDGET-GRANTS: The City Manager submitted a communication advising that the Police Department employs a full time crime analyst whose role is vital in the successful application of the principles of community policing; and sophisticated analytical and mapping software packages are a necessary component of any professional crime analysis unit.

It was further advised that the Police Department was awarded \$28,715.00 in grant funds through the Byrne Memorial Grant Program; funds must be used toward purchase of updated GIS mapping software and analytical computer programs, which will enhance the City's ability to track crime trends, as well as investigate on-going criminal enterprises; a required non-federal cash match of \$9,572.00 is available through the State Asset Forfeiture Program; and the grant award and cash match combine to make the effort a \$38,287.00 project.

The City Manager recommended that she be authorized to execute the Crime Analysis Grant award, in the amount of \$28,715.00, from the Department of Criminal Justice Services and the Byrne Memorial Grant Program agreement and any other related documents, subject to approval as to form by the City Attorney; that Council appropriate funds totaling \$38,287.00 to the Publications and Subscriptions account and establish a revenue estimate of \$28,715.00 in accounts to be established by the Director of Finance in the Grant Fund, and transfer \$9,572.00 from State Asset Forfeiture, Account No. 035-640-3302-9015, to cover the required local cash match.

Vice-Mayor Fitzpatrick offered the following budget ordinance:

(#37130-080105) AN ORDINANCE appropriating funds for the Byrne Memorial Grant, amending and reordaining certain sections of the 2005-2006 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 69, Page 512.)

Vice-Mayor Fitzpatrick moved the adoption of Ordinance No. 37130-080105. The motion was seconded by Council Member McDaniel and adopted by the following vote:

AYES: Council Members Cutler, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

Vice-Mayor Fitzpatrick offered the following resolution:

(#37131-080105) A RESOLUTION authorizing the acceptance of a Crime Analysis Grant from the Department of Criminal Justice Services, and authorizing execution of any required documentation on behalf of the City.

(For full text of resolution, see Resolution Book No. 69, Page 513.)

Vice-Mayor Fitzpatrick moved the adoption of Resolution No. 37131-080105. The motion was seconded by Council Member McDaniel and adopted by the following vote:

AYES: Council Members Cutler, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

BUDGET-GRANTS-TREES: The City Manager submitted a communication advising that on June 7, 2005, the City of Roanoke was notified by the Virginia Department of Forestry that a \$13,500.00 grant would be awarded to the City upon completion of a Memorandum of Agreement to fund a part-time Urban Forestry Planner to work with the City's Urban Forester on "Development Alternatives and Guidelines for Tree Protection"; the grant is from the same program that funded the part-time Urban Forestry Planner for the past three years; and this is the last year that the grant program can be used to fund an Urban Forestry Planner.

It was further advised that the \$13,500.00 Urban and Community Forestry Grant is a Federal grant sponsored by the National Forest Service and administered by the Virginia Department of Forestry; funds are awarded on a reimbursement basis after verification of the local match; the majority of the City's required local match will consist of 558 hours of staff time provided by the Urban Forester, an employee in the Parks and Recreation Department; the local cash match will be an additional \$1,059.00 in salary and \$3,235.00, representing the City's share of FICA and the pro-rata share of long-term disability, hospitalization and dental insurance; and funds will be used for the following purposes:

- Develop guidelines for planting trees along riparian buffers (to coordinate with implementation of the revised zoning ordinance).
- Make corresponding revisions to the public tree ordinance so that City property meets higher standards.
- Use CITYgreen software to analyze individual forested sites, and make such analyses available as a key tool in evaluating proposed developments and land disturbances in the City.

The City Manager recommended that she be authorized to accept the Urban and Community Forestry Grant, in the amount of \$13,500.00, and that she be further authorized to execute an agreement with the Virginia Department of Forestry and any other forms necessary to accept the grant, subject to approval as to form by the City Attorney; that Council appropriate \$13,500.00 in Federal funding and establish a corresponding revenue estimate in an account to be established by the Director of Finance in the Grant Fund; and transfer \$4,294.00 from Parks and Recreation Temporary Wage, Account No. 001-620-4340-1004, to the above referenced Grant Fund account, with expenditures to be appropriated as follows:

<u>Account</u>	<u>Account No.</u>	<u>Amount</u>
Regular Employee Salaries	035-620-4346-1002	\$ 14,559.00
FICA	035-620-4346-1120	\$ 1,296.00
Long-Term Disability	035-620-4346-1131	\$ 52.00
Hospitalization Insurance	035-620-4346-1125	\$ 1,770.00
Dental Insurance	035-620-4346-1126	\$ 117.00
TOTAL		<u>\$ 17,794.00</u>

Council Member Cutler offered the following budget ordinance:

(#37132-080105) AN ORDINANCE appropriating funds for the Urban and Community Forestry Grant, amending and reordaining certain sections of the 2005-2006 General and Grant Funds Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 69, Page 513.)

Council Member Cutler moved the adoption of Ordinance No. 37132-080105. The motion was seconded by Vice-Mayor Fitzpatrick.

Council Member Cutler advised that on July 28, 2005, the City of Roanoke was acknowledged in *U. S. A. Today* for its outstanding Urban Forestry Program. He commended employees of the City's Parks and Recreation Department.

There being no further questions/comments by Council Members, Ordinance No. 37132-080105 was adopted by the following vote:

AYES: Council Members Cutler, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

Council Member Cutler offered the following resolution:

(#37133-080105) A RESOLUTION accepting the Urban and Community Forestry Grant from the Virginia Department of Forestry, and authorizing the execution of the necessary documents.

(For full text of resolution, see Resolution Book No. 69, Page 514.)

Council Member Cutler moved the adoption of Resolution No. 37133-080105. The motion was seconded by Council Member McDaniel and adopted by the following vote:

AYES: Council Members Cutler, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

BUDGET-HUMAN DEVELOPMENT: The City Manager submitted a communication advising that the Virginia Department of Social Services grants funds to Virginia Commonwealth University (VCU) for operation of five Virginia Institute for Social Service Training Activities (VISSTA) Area Training Centers throughout the Commonwealth of Virginia; and the City of Roanoke Department of Social Services has received an annual subaward for local supervision and operation of the Piedmont Area Training Center since 1998.

It was further advised that Council adopted a budget of \$373,357.00 for the 2006 Fiscal Year Program; the actual subaward amount is \$258,505.00 for the first half of the fiscal year; a new subaward for the second half of the fiscal year will be issued in the fall; the City expects the total amount of the subaward to exceed the adopted budget; and the subaward is issued on a cost reimbursable basis.

Vice-Mayor Fitzpatrick offered the following resolution:

(#37134-080105) A RESOLUTION authorizing the acceptance of a subaward in the amount of \$258,505.00 from Virginia Commonwealth University and authorizing the City Manager to execute a subaward agreement with Virginia Commonwealth University for such funds for local supervision and operation of the Virginia Institute for Social Service Training Activities ("VISSTA") Piedmont Area Training Center, upon certain terms and conditions.

(For full text of resolution, see Resolution Book No. 69, Page 515.)

Vice-Mayor Fitzpatrick moved the adoption of Resolution No. 37134-080105. The motion was seconded by Council Member McDaniel and adopted by the following vote:

AYES: Council Members Cutler, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

HOUSING/AUTHORITY-COMMUNITY PLANNING-GRANTS: The City Manager submitted a communication advising that for more than 25 years, Community Housing Partners Corporation (CHPC) has successfully constructed and renovated housing in several localities across the Commonwealth of Virginia; pursuant to Resolution No. 36764-070604, Council authorized execution of CHPC's first contract to produce housing using Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) funds provided by the City; and since that time, CHPC has acquired and rehabilitated eight properties in the City's Hurt Park, Mountain View and West End neighborhoods.

It was advised that at a special meeting held on May 10, 2005, Council approved the City's 2005-2010 Consolidated Plan, including activities designated to receive CDBG and HOME funding during the fiscal year 2005-2006 period; designated activities was to continue CHPC's housing efforts in the neighborhoods; new 2005-2006 CDBG and HOME funding provided for CHPC's activities, totaling \$215,000.00, will allow CHPC to rehabilitate eight additional houses, or a total of 16 to be completed by June 30, 2006; and funds will also provide for homebuyer education, which is conducted by Blue Ridge Housing Development Corporation through a cooperative agreement with CHPC.

It was explained that Section 2-124 of the Code of the City of Roanoke (1979), as amended, limits the City Manager's direct authority to a maximum of \$25,000.00 with respect to amending Federally assisted subgrant agreements; therefore, authorization by Council is required in order to implement actions called for by the amendment; extending the 2004-2005 CHPC agreement and adding the necessary funding under a single amendment is more efficient than creating a new agreement; and all of the necessary funds have previously been appropriated into the required accounts, which is detailed in the draft amendment as set forth in the City Manager's letter dated August 1, 2005.

The City Manager recommended that she be authorized to execute Amendment No. 1 to the 2004-2005 CDBG/HOME Agreement with CHPC, subject to approval as to form by the City Attorney.

Vice-Mayor Fitzpatrick offered the following resolution:

(#37135-080105) A RESOLUTION authorizing the appropriate City officials to execute an Amendment No. 1 to the 2004-2005 Agreement with Community Housing Partners Corporation, Inc. ("CHPC") to conduct housing activities using Community Development Block Grant ("CDBG") and HOME Investment Partnerships Program ("HOME") funds, upon certain terms and conditions.

(For full text of resolution, see Resolution Book No. 69, Page 516.)

Vice-Mayor Fitzpatrick moved the adoption of Resolution No. 37135-080105. The motion was seconded by Council Member McDaniel and adopted by the following vote:

AYES: Council Members Cutler, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

HOUSING/AUTHORITY-COMMUNITY PLANNING-GRANTS: The City Manager submitted a communication advising that at a special meeting held on May 10, 2005, Council approved the City's 2005-2010 Consolidated Plan, including activities designated to receive Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) funding during the fiscal year 2005-2006 period; activities provided for continuing BRHDC's housing efforts in the Gainsboro neighborhood under Project GOLD ("Gainsboro Opportunities Leveraging Development"), the City's most recent effort to concentrate CDBG and HOME resources, as well as funding for BRHDC to acquire and assist housing in a distressed section of Hanover Avenue, N. W., and to repair several single-room

occupancy (SRO) facilities operated by BRHDC; new 2005-2006 CDBG and HOME funding provided for the activities totals \$787,822.00; in addition, \$40,000.00 in CDBG funds was previously approved and set aside by Council for Hanover Avenue activities on February 22, 2005; an increase of \$10,000.00 in CDBG funding is needed for BRHDC's Demolition Fund activities to provide sufficient funds to remove two houses in the 1000 block of Gilmer Avenue that are too deteriorated for rehabilitation; and amendment to the BRHDC agreement addresses all project activities.

It was further advised that Section 2-124 of the Code of the City of Roanoke (1979), as amended, limits the City Manager's direct authority to a maximum of \$25,000.00 with respect to amending Federally assisted subgrant agreements; therefore, authorization by Council is required in order to implement actions required by the amendment; extending the 2004-2005 BRHDC agreement, incorporating the two new activities and adding the necessary funding under a single amendment is more efficient and allows more effective administration of multiple activities to be undertaken by BRHDC; and all necessary funds have previously been appropriated into the required accounts, as more fully described in an attachment to the draft amendment.

The City Manager recommended that she be authorized to execute Amendment No. 1 to the 2004-2005 CDBG/HOME Agreement with the BRHDC, subject to approval as to form by the City Attorney.

Vice-Mayor Fitzpatrick offered the following resolution:

(#37136-080105) A RESOLUTION authorizing the appropriate City officials to execute an Amendment No. 1 to the 2004-2005 Agreement with Blue Ridge Housing Development Corporation ("BRHDC") to conduct housing activities using Community Development Block Grant ("CDBG") and HOME Investment Partnerships Program ("HOME") funds, upon certain terms and conditions.

(For full text of resolution, see Resolution Book No. 69, Page 516.)

Vice-Mayor Fitzpatrick moved the adoption of Resolution No. 37136-080105. The motion was seconded by Council Member McDaniel and adopted by the following vote:

AYES: Council Members Cutler, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

HOUSING/AUTHORITY-COMMUNITY PLANNING-GRANTS: The City Manager submitted a communication advising that each year, the Roanoke Redevelopment and Housing Authority (RRHA) conducts a variety of housing programs using Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) funds provided by the City; at a special meeting held on May 10, 2005, Council approved the City's 2005-2010 Consolidated Plan, including activities designated to receive CDBG and HOME funding during the fiscal year 2005-2006 period; among designated activities was continuing the RRHA's housing efforts in the Gainsboro neighborhood as part of *Project GOLD* ("Gainsboro Opportunities Leveraging Development"), the City's most recent effort to concentrate CDBG and HOME resources; and new 2005-2006 CDBG and HOME funding provided for the RRHA's *Project GOLD* activities totals \$1,295,699.00 which will allow the Housing Authority to continue substantial and limited owner- and tenant-occupied housing assistance, including emergency repairs and serving special needs populations, while adding to the ability to acquire property for housing development.

It was further advised that the contract amendment also provides an additional \$394,546.00 in CDBG funds to the RRHA for activities to reduce derelict structures in the City; in coordination with appropriate City departments, the RRHA will acquire, rehabilitate and sell such properties to homebuyers and/or offer subsidies to third parties for such purposes; and a component of the activity will use the "slums and blight" latitude provided under CDBG funds to rehabilitate housing for sale to homebuyers above the low- and moderate-income level, thus promoting income diversity in the City.

It was explained Section 2-124 of the Code of the City of Roanoke (1979), as amended, limits the City Manager's direct authority to a maximum of \$25,000.00 with respect to amending Federally assisted subgrant agreements; therefore, authorization by Council is required in order to implement those actions required by the amendment; extending the 2004-2005 RRHA agreement, incorporating new activities and adding the necessary funding under a single amendment is more efficient and allows more effective administration of multiple activities undertaken by the RRHA; and all necessary funds have been previously appropriated to required accounts, as set forth in the draft amendment, which is included with a letter from the City Manager dated August 1, 2005.

The City Manager recommended that she be authorized to execute Amendment No. 1 to the 2004-2005 CDBG/HOME Agreement with the Roanoke Redevelopment and Housing Authority, subject to approval as to form by the City Attorney.

Vice-Mayor Fitzpatrick offered the following resolution:

(#37137-080105) A RESOLUTION authorizing the appropriate City officials to execute an Amendment No. 1 to the 2004-2005 Agreement with the City of Roanoke Redevelopment and Housing Authority ("RRHA") to conduct housing activities using Community Development Block Grant ("CDBG") and HOME Investment Partnerships Program ("HOME") funds, upon certain terms and conditions.

(For full text of resolution, see Resolution Book No. 69, Page 517.)

Vice-Mayor Fitzpatrick moved the adoption of Resolution No. 37137-080105. The motion was seconded by Council Member Lea and adopted by the following vote:

AYES: Council Members Cutler, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

PURCHASE/SALE OF PROPERTY-HOUSING/AUTHORITY-GRANTS: The City Manager submitted a communication advising that during the past year, SmithLewis Architecture, under contract to the Council of Community Services (CCS), undertook the "Cradle to Cradle (C2C) Home Design Competition"; promoting Roanoke as a leader in the field of quality, sustainable and affordable housing design; the international competition attracted over 625 designs and participants from 41 countries worldwide; and the City provided \$30,000.00 in local funds and an additional \$100,000.00 in 2004-2005 Community Development Block Grant (CDBG) funds for the initial phase of the project.

It was further advised that prior to the January 2005 selection of winning designs, SmithLewis and CCS began preparing for the implementation phase of the project; and a number of for-profit and nonprofit builders, such as Fralin and Waldron, Inc., Building Specialists, Inc., Blue Ridge Housing Development Corporation and the Roanoke Redevelopment and Housing Authority have partnered to develop housing using designs and concepts that were brought forth by the competition.

It was explained that at a special meeting held on May 10, 2005, Council approved the City's 2005-2010 Consolidated Plan, including activities designated to receive CDBG funding during the fiscal year 2005-2006 period; and among designated uses was the second \$100,000.00 in CDBG funds for the C2C Home development phase.

It was further explained that the impetus for a design competition originated with the CCS, which served as the recipient of both local and CDBG funds previously provided by the City; however, given that the CCS is not a development entity, it is desirous of a more appropriate entity assuming responsibility for the building phase of the project; in February 2005, C2C Home, LLC, was formed as a subsidiary of the Cabell Brand Center for Poverty & Resources Studies and duly organized under rules of the Commonwealth of Virginia, as certified by the State Corporation Commission; C2C Home, LLC, will succeed the CCS as the entity responsible for the next phase of the project; in addition to confirming the successor entity and its legal status, the City required that, as a prerequisite to executing a contract for the \$100,000.00 in CDBG funds, that the entity raise at least \$75,000.00 from sources other than the City for construction management, which is not reimbursable with CDBG funds; a total of \$200,000.00, including a commitment of \$50,000.00 a year for three years from one source has been raised, satisfying the City's second stipulation; and CDBG funds are available in Account No. 35-G06-0620-5426 and will be used for property acquisition, site preparation, other preconstruction costs and planning/administration.

The City Manager recommended that Council authorize execution of the 2005-2006 CDBG Subgrant Agreement with C2C Home, LLC, subject to approval as to form by the City Attorney.

Council Member Cutler offered the following resolution:

(#37138-080105) A RESOLUTION authorizing the City Manager to enter into the 2005-2006 Community Development Block Grant (CDBG) Subgrant Agreement with the C2C Home, LLC, upon certain terms and conditions.

(For full text of resolution, see Resolution Book No. 69, Page 518.)

Council Member Cutler moved the adoption of Resolution No. 37138-080105. The motion was seconded by Vice-Mayor Fitzpatrick.

Greg Lewis, representing C2C Home, LLC, expressed appreciation for the City's support of the Cradle to Cradle project which is nearing the construction phase on a number of houses, and opportunities to expand on the work that has been accomplished to this point is under review. He advised that a project on Harrison Avenue, under the direction of the Blue Ridge Housing Development Corporation, is about to move forward; a land transfer has occurred, or is about to occur, between the Roanoke Redevelopment and Housing Authority and Blue Ridge Housing Development Corporation; Fralin and Waldron, Inc., and E. J. Miller Construction Company are moving forward with a house to be constructed on Hackley Avenue; and Community Housing Partners is working on a design for a third project on Day Avenue.

There being no questions/comments by Council, Ordinance No. 37138-080105 was adopted by the following vote:

AYES: Council Members Cutler, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

COMMUNITY PLANNING-TOTAL ACTION AGAINST POVERTY-GRANTS: The City Manager submitted a communication advising that since 1965, Total Action Against Poverty (TAP) has developed and executed programs that promote adequate housing, employment, health and nutrition, and education for the citizens of Roanoke and surrounding areas; for the past three years, TAP'S Helping Elderly Live Pleasantly (HELP) program, now known as the Emergency Home Repair Program, has performed emergency home repairs for approximately 84 needy citizens of Roanoke; Council authorized TAP to conduct housing activities in the community, pursuant to Resolution No. 37051-051005, which approved the City's 2005-2006 Action Plan Consolidated Plan for submission to the U. S. Department of Housing and Urban Development (HUD); Council accepted 2005-2006 CDBG funds on June 20, 2005, pursuant to Ordinance No. 37086-062005 and Resolution No. 37087-062005; and pursuant to letter dated July 15, 2005, HUD approved the City's new five-year Consolidated Plan and the first year action plan.

It was further advised that in order for TAP to conduct approved 2005-2006 housing activities, authorization by Council is needed to execute a Subgrant Agreement; the necessary CDBG funding is available in an account listed in the draft Agreement; and a total of \$100,000.00 will be allocated to TAP to provide limited and emergency repairs to 21 homes city-wide, with the exception of the Gainsboro and Gilmer neighborhoods which are assisted through an agreement with the Roanoke Redevelopment and Housing Authority.

The City Manager recommended that she be authorized to execute the 2005-2006 CDBG Subgrant Agreement with Total Action Against Poverty, subject to approval as to form by the City Attorney.

Vice-Mayor Fitzpatrick offered the following resolution:

(#37139-080105) A RESOLUTION authorizing the City Manager to enter into the 2005-2006 Community Development Block Grant ("CDBG") Subgrant Agreement with Total Action Against Poverty ("TAP"), upon certain terms and conditions.

(For full text of resolution, see Resolution Book No. 69, Page 518.)

Vice-Mayor Fitzpatrick moved the adoption of Resolution No. 37139-080105. The motion was seconded by Council Member Lea and adopted by the following vote:

AYES: Council Members Cutler, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

BLUE RIDGE BEHAVIORAL HEALTHCARE: The City Manager submitted a communication advising that the 1998 General Assembly passed HB428 which amended and reenacted sections of the Code of Virginia relating to local roles and responsibilities for mental health, mental retardation, and substance abuse services; Section 37.1-194, Code of Virginia, 1950, as amended, requires every locality to establish a community service board to oversee delivery of mental health, mental retardation and substance abuse services, and it is further required that the local governing body of a locality approve the Performance Contract; the City of Roanoke has already established Blue Ridge Behavioral Healthcare, pursuant to the statutory provision, as the Community Services Board; and the adopted budget for fiscal year 2005-2006 includes an appropriation of \$434,481.00 for the organization.

It was further advised that in accordance with Title 37.1, Code of Virginia, 1950, as amended, Blue Ridge Behavioral Healthcare has submitted a Fiscal Year 2006 Community Services Performance Contract to ensure delivery of publicly funded services and support to citizens of the Commonwealth of Virginia with mental illness, mental retardation, or substance abuse; services are to be provided directly, or by contract, through the operating board of the Community Services Board; and Section 37.1-198B, Code of Virginia, requires all governing bodies for localities served by the Community Services Board to approve the Community Services Performance Contract.

The City Manager recommended that she be authorized to execute any required documents to enter into a Performance Contract with Blue Ridge Behavioral Healthcare Board of Directors; and that Council adopt a resolution approving execution of the Fiscal Year 2006 Performance Contract.

Vice-Mayor Fitzpatrick offered the following resolution:

(#37140-080105) A RESOLUTION approving and authorizing the execution of the Blue Ridge Behavioral Healthcare FY 2006 Performance Contract, upon certain terms and conditions.

(For full text of resolution, see Resolution Book No. 69, Page 519.)

Vice-Mayor Fitzpatrick moved the adoption of Resolution No. 37140-080105. The motion was seconded by Council Member Cutler and adopted by the following vote:

AYES: Council Members Cutler, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

CITY ATTORNEY:

TRAFFIC-CITY CODE-CODE ENFORCEMENT: The City Attorney submitted a written report advising that during the last two sessions, the General Assembly amended §15.2-905, Code of Virginia (1950), as amended, which is enabling legislation for Article VI, Keeping of Inoperable Motor Vehicles, of Chapter 20, Motor Vehicles and Traffic, Code of the City of Roanoke (1979), as amended, the City's inoperable motor vehicle ordinance; amendments to §15.2-905 include a new definition of the term "shielded or screened from view"; the new definition is more narrow than the definition for the same term currently used in §20-125 of the City's inoperable motor vehicle ordinance; and, in addition, the legislature amended §15.2-905, Code of Virginia, to allow an owner of an inoperable motor vehicle to keep outdoors the inoperable motor vehicle and one additional inoperable motor vehicle that is shielded or screened from view, if the owner can demonstrate that he or she is actively restoring or repairing one of the inoperable motor vehicles.

The City Attorney recommended that Council adopt an ordinance which amends §20-125 and §20-126 of the City Code to bring the City's inoperable motor vehicle ordinance into compliance with State enabling legislation.

Council Member Cutler offered the following ordinance:

(#37141-080105) AN ORDINANCE amending and reordaining §20-125, Definitions, and §20-126, Restriction on keeping of inoperable motor vehicles, of Article VI, Keeping of Inoperable Motor Vehicles, of Chapter 20, Motor Vehicles and Traffic, of the Code of the City of Roanoke (1979), as amended, in order to conform with state law, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 520.)

Council Member Cutler moved the adoption of Ordinance No. 37141-080105. The motion was seconded by Vice-Mayor Fitzpatrick.

There being no questions/comments by Council, Ordinance No. 37141-080105 was adopted by the following vote:

AYES: Council Members Cutler, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

REPORTS OF COMMITTEES: NONE.

UNFINISHED BUSINESS: NONE.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

CITY COUNCIL: Council Member Cutler offered the following resolution changing the place of commencement of the regular meeting of Council to be held on Monday, August 15, 2005, to the Cafetorium at the Roanoke Academy for Mathematics and Science, 1616 19th Street, N. W.:

(#37142-080105) A RESOLUTION changing the place of commencement of the regular meeting of City Council scheduled to be held at 12:00 Noon, on August 15, 2005.

(For full text of Resolution, see Resolution Book No. 69, Page 522.)

Council Member Cutler moved the adoption of Resolution No. 37142-080105. The motion was seconded by Vice-Mayor Fitzpatrick and adopted by the following vote:

AYES: Council Members Cutler, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

HUMAN DEVELOPMENT-GRANTS: The Mayor advised that Resolution No. 37129-071805 adopted by the Council on Monday, July 18, 2005, authorized execution of a Grant Agreement with the Virginia Employment Commission for program year 2006 in order for the City of Roanoke to continue as the grant recipient of funding for the Workforce Investment Act for Area 3; however, the measure should have referenced Program Year 2005, therefore, a revised resolution was before the Council.

Vice-Mayor Fitzpatrick offered the following resolution:

(#37143-080105) A RESOLUTION authorizing the City Manager to execute the Grant Agreement with the Virginia Employment Commission for Program Year 2005 in order for the City to continue as the grant recipient of funding for the Workforce Investment Act for Area 3; and repealing Resolution No. 37129-071805, adopted July 18, 2005.

(For full text of Resolution, see Resolution Book No. 69, Page 523.)

Vice-Mayor Fitzpatrick moved the adoption of Resolution No. 37143-080105. The motion was seconded by Council Member Cutler and adopted by the following vote:

AYES: Council Members Cutler, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

POLICE DEPARTMENT-CITY CODE-ANIMALS/INSECTS-COMPLAINTS-CITY COUNCIL: Council Member Lea called attention to complaints by a number of citizens in the community with regard to unleashed and/or vicious dogs that are allowed to roam throughout some of the City's neighborhoods. He referred specifically to pit bull dogs and inquired if the City has enacted ordinances that address vicious dogs.

The City Manager advised that City Code provisions require that any dog that is off of the owner's premises must be leashed and whenever citizens observe a dog running loose, they are encouraged to immediately report the incident to the City's Animal Control division. She stated that Animal Control has the authority to issue a summons to the owner of a dog if, in the opinion of the officer, the owner has been negligent, and she would report back to Council with regard to the issue of regulation of vicious dogs.

ARMORY/STADIUM-SPORTS ACTIVITIES-SCHOOLS: Council Member Lea advised that the kick-off for the 6th Annual Western Virginia Education Classic was held on Friday, July 29, 2005, on the City Market, and the football game will be played on Saturday, October 29, 2005 at 2:00 p.m., at Victory Stadium by Saint Paul's College from Lawrenceville, Virginia, and Shaw University from Raleigh, North Carolina.

OATHS OF OFFICE-COMMITTEES-LIBRARIES: The Mayor advised that the three-year term of office of Anna Wentworth as a member of the Roanoke Arts Commission expired June 30, 2005; whereupon, he opened the floor for nominations to fill the vacancy.

Council Member Cutler placed in nomination the name of Susan Egbert.

There being no further nominations, Ms. Egbert was appointed as a member of the Roanoke Arts Commission for a term ending June 30, 2008, by the following vote:

FOR MS. EGBERT: Council Members Cutler, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----6.

(Council Member Dowe was absent.)

Council Member Cutler moved that the Roanoke City residency requirement be waived in this instance. The motion was seconded by Vice-Mayor Fitzpatrick and adopted.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for response, recommendation or report to Council.

CITY COUNCIL-DISABLED PERSONS: Mr. E. Duane Howard, 1135 Wasena Avenue, S. W., referred to a *Roanoke Times* editorial in the Monday, August 1, 2005 edition titled "Disabled Americans Still Face Obstacles". He requested that the Mayor's Committee for People with Disabilities be brought up to 21st century standards. He stated that July 26 marked the 15th anniversary of the Americans With Disabilities Act, yet the City of Roanoke is still 15 years behind times. He advised that *The Roanoke Times* commentary was correct in that the Americans With Disabilities Act (ADA) was meant to be far more than wheelchair ramps, closed caption television, and wider toilet stalls; the ADA envisioned making reasonable changes to the physical structure of buildings, public transportation, and the heart and soul of ADA was to outlaw discriminatory practices that relegate the disabled to inferior status. He stated that prior to renovation of the City Council Chamber, he requested that all persons be seated while addressing City Council which would have eliminated the stigma of inferior status for all speakers; however, his request was not honored by City officials/City staff and the Mayor's Committee for People With Disabilities. He suggested that the words "Mayor's Committee" be deleted and that the Committee be established as an official City of Roanoke committee. He suggested that the City of Roanoke consider those standards adopted by the City of Alexandria, Virginia, when addressing the needs of Roanoke's disabled population.

HOUSING/AUTHORITY-HOUSING/NEIGHBORHOOD CODE ENFORCEMENT-COMPLAINTS: Mr. Robert E. Gravely, 729 29th Street, N. W., spoke with regard to the overall condition of the City of Roanoke, i.e.: the need for home ownership for more persons, the overall cleanliness of the City, proper marketing of the Roanoke area, and the need to remove some of the City's tree canopy so as not to obstruct public rights-of-way.

CITY MARKET-TAXES: Mr. Robert E. Craig, 701 12th Street, S. W., expressed appreciation to the Director of Real Estate Valuation for meeting with him to discuss the City's practices with regard to real estate assessment.

He referred to the condition of food tables in the City Market Building that were covered with plastic tops which are misaligned and screws that are not properly driven into the surface of the tables that could create a potential safety hazard and a liability to the City of Roanoke. He stated that the condition of the table tops is indicative of poor job performance without adequate supervision. He advised that it was reported by City staff that the City Market Building is losing \$9,000.00 a month, if the \$158,000.00 of uncollected rent, which was the responsibility of the City or the City's management agent to collect, were multiplied 9 times by 12 equaling \$108,000.00, and if the \$108,000.00 is subtracted from \$158,000.00 of uncollected rent, there would be a \$50,000.00 profit for the City Market Building.

CITY MANAGER COMMENTS:

ACTS OF ACKNOWLEDGEMENT-NEIGHBORHOOD ORGANIZATIONS: The City Manager presented the Mayor with a Certificate of Appreciation which was issued to the City of Roanoke by Old Southwest, Inc., in recognition of outstanding job performance by the City's workforce. She advised that the following employees received individual recognition for their work in code enforcement efforts:

Susan Grogan representing the Solid Waste Division,
Police Officer Barak Plogger, and
Anne Stuart Beckett, staff to the Architectural Review Board.

NEIGHBORHOOD ORGANIZATIONS: The City Manager called attention to activities that will be held in various City of Roanoke neighborhoods on Tuesday, August 2 and Thursday, August 4, 2005, in conjunction with National Night Out.

At 2:55 p.m., the Mayor declared the Council meeting in recess and Council reconvened in Closed Session in the Council's Conference Room, Room 451, Noel C. Taylor Municipal Building.

At 3:25 p.m., the meeting reconvened in the Council Chamber, with all Members of the Council in attendance, with the exception of Council Member Dowe, Mayor Harris presiding.

COUNCIL: With respect to the Closed Meeting just concluded, Council Member Cutler moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Council Member McDaniel and adopted by the following vote:

AYES: Council Members Cutler, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

There being no further business, the Mayor declared the meeting adjourned at 3:27 p.m.

A P P R O V E D

ATTEST:

Mary F. Parker
City Clerk

C. Nelson Harris
Mayor
